

TO: Mayor Stefan C. Densmore
Members of Village Council

FROM: Terrence M. Donnellon

RE: Legislative Agenda – April 27

DATE: April 23, 2020

The following is our legislative Agenda for the Special Session of Village Council called for Monday, April 27, 2020.

1. Ordinance No. 2020 – 5

An Ordinance to Amend Appropriations for Current Expenses and Other Expenditures of the Village of Golf Manor for the Fiscal Year Ending December 31, 2020 for the Close of the First Quarter 2020

Andy Lanser, our Fiscal Officer, has requested that we update our appropriations through the first quarter 2020. This Ordinance amends such appropriations for calendar year 2020 through the first quarter. Council is asked to make a motion to read this Ordinance by title only, then approve such motion by voice vote. Council then will be asked to approve the Ordinance as presented which would require a roll call vote. Finally, Council is asked to make a motion to suspend the rules requiring a second and third reading, which motion requires a roll call vote.

2. Ordinance No. 2020 - 6

An Ordinance Amending Chapter 902 Of The Code Of Ordinances, *Street And Sidewalk Opening Permit*, And Declaring An Emergency

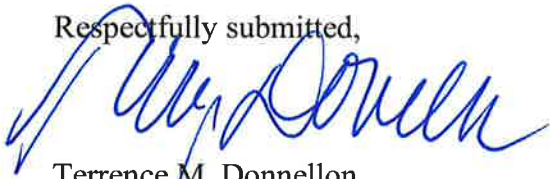
It has come to our attention that we had inconsistent sections within our Code concerning Street and Sidewalk Opening and Permits. It is important to have a process in place when streets or sidewalks are being excavated to assure that they are property restored. This Ordinance will update our Code by revoking Chapter 901 which was adopted in 1952 and updating Chapter 902 which was intended as a replacement chapter.

The Ordinance requires those who wish to cut into sidewalks or streets to obtain a permit from the Village and to post a bond to assure that they will restore the street or sidewalk to its pre-excavation condition. The permitting process is required of all utilities and any other persons or organizations trenching or boring within the Village.

We are able to charge an application fee, but that application fee must be tied to the cost to administer the program. The Ordinance allows the Village Administrator, in cooperation with the Village Engineer, to periodically set this fee. It is not set on a case by case basis, but it would be established on an annual basis and adjusted as we determine what the costs may be to process the application and to inspect construction.

As we are quickly entering the construction season, it is recommended that this Ordinance be adopted as an emergency. As such, Council would move to pass the Ordinance as an emergency then separately move to suspend the second and third reading of the Ordinance.

Respectfully submitted,



Terrence M. Donnellon,
Village Solicitor

TMD/lld

Enclosures

cc: Ron Hirth, Village Administrator
Andy Lanser, Asst. Village Administrator

ORDINANCE NO. 2020 - 5

**AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES
AND OTHER EXPENDITURES OF THE VILLAGE OF GOLF MANOR
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020
FOR THE CLOSE OF THE FIRST QUARTER 2020**

WHEREAS, Council previously did adopt Ordinance 2019-18 to appropriate funds for the fiscal year commencing January 1, 2019 and ending December 31, 2019; and

WHEREAS, Council previously did adopt Ordinance 2020-4 to amend such appropriations for fiscal year 2020; and

WHEREAS, the Administration has recommended, and Council does desire, to amend such appropriations to closeout 2020 fiscal year to amend such appropriations for the first quarter 2020.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I. Effective immediately, in order to provide for the ongoing expenses and other expenditures of the Village of Golf Manor for fiscal Year 2020, the sums detailed on the attached schedule are hereby appropriated as if such schedule is fully set forth herein.

SECTION II. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED this _____ day of _____, 2020.

Mayor Stefan C. Densmore

ATTEST:

Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:


Terrence M. Donnellon, Solicitor

ORDINANCE NO. 2020 - 6

AN ORDINANCE AMENDING CHAPTER 902 OF THE CODE OF ORDINANCES, STREET AND SIDEWALK OPENING PERMIT, AND DECLARING AN EMERGENCY

WHEREAS, as the Village enters upon the construction season, the Village frequently receives requests to open streets or sidewalks, which excavation can be disruptive and which excavation must be properly permitted to assure public safety; and

WHEREAS, there are inconsistencies in the Code of Ordinances between Chapter 901 adopted in 1952, and Chapter 902 updated and adopted in 2016 requiring that the terms and conditions for street and sidewalk openings be clarified; and

WHEREAS, to assure proper compliance, this Ordinance is proposed as an emergency measure to preserve the public health, safety and welfare, and upon adoption shall take effect immediately upon passage.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

SECTION I. Chapter 902 of the Code of Ordinances entitled *Street and Sidewalk Opening Permit* is hereby revoked and replaced with the following:

902.01 PERMIT REQUIRED TO OPEN STREET/SIDEWALK.

No person, firm, or corporation other than the Village Administrator or the authorized employees or agents of the Village Administrator, may make any opening in any street, alley, sidewalk, or public way of the municipality, unless a permit to make such opening shall have been obtained prior to commencement of the work, as herein provided

902.02 APPLICATION AND FEE.

(A) Each permit for making such opening shall be confined to a single project and shall be issued by the Village Administrator. Application shall be made on a form prescribed by the Village Administrator giving the purpose of the proposed opening, the exact location of the proposed opening, the type of paving to be excavated, the area and depth to be excavated and such other facts as may be requested by the Village Administrator in the application. A fee as adopted by the Village Administrator and approved by the Village Engineer to recover the cost to administer this program, shall be collected by the Village Administrator before issuing such permit. Such application fee shall be paid into the General Fund of the Municipality

(B) By applying for, accepting and signing the permit, the applicant shall attest that they have read and understand (1) the regulations set forth herein,

including the requirements to restore the street or sidewalk excavation, (2) all required by public safety practices with regard to construction related excavations and trench safety, (3) the Federal safety standards promulgated by the Occupational Safety and Health Administration for excavation, and (4) any other requirements established by the Village Engineer for such specific excavation.

902.03 PERMIT ISSUED. WHEN.

The permit shall be issued only after bond, or other surety, sufficient to cover the cost of restoration has been posted with the Village Administrator, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaces disturbed.

902.04 CONDITIONS AND REQUIREMENTS FOR STREET AND SIDEWALK OPENINGS.

The following conditions and requirements shall apply to all applications for street and/or sidewalk openings:

(A) Persons engaging in any trenching operation shall familiarize themselves with the Federal safety standards promulgated by the Occupational Safety and Health Administration for excavations.

(B) No trench may be excavated unless the requirements of Federal, State and Local standards and regulations have been met and the permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit.

(C) Trenches may pose a significant health and safety hazard. An excavator shall not leave any open trench unattended. Excavators shall consult regulations promulgated by the Federal, State and Local codes in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry. At a minimum, any excavation or opening must be fully barricaded at all times to prevent injury to persons or animals. Any required traffic control shall be contracted through the Village Police Department or the Chief of Police's designee.

(D) Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment shall only employ individuals licensed to operate said equipment by the Department of Public Safety presented to said licensed operator before any excavation is commenced.

(E) Any person engaged in or employing others in excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley, or other public way, at all times during the night season shall cause the area to be secured consistent with the requirement of the Ohio Manual of Uniform Traffic Control Devices

(F) Any permit issued shall be posted in plain view on the site of the trench and/or a copy maintained at all times on site.

902.05 RESTORATION OF PAVEMENT.

(a) The opening and restoration of a pavement, or other surface, shall be performed under the direction and to the satisfaction of the Village Administrator, and in accordance with rules, regulations, and specifications heretofore or hereafter established by the Council.

(b) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface, and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the Village may proceed, without notice, to make such fill and restoration and the bond required herein shall be deemed forfeited. Thereupon, such funds shall be paid into the general fund for the street repairs. Any funds forfeited in excess of such repair costs shall be paid to the permittee. If the amount of such services performed by the municipality should exceed the amount of such deposit, the Village Fiscal Officer shall proceed to collect the remainder due from such permittee. If the security posted is a surety bond, notice shall be given to the surety to complete such restoration.

(c) The restoration of any opening made in a street right-of-way pursuant to this section outside of the paved surface shall be made by backfilling the opening with compacted granular backfill or controlled density backfill to a distance of four feet from improved portion of street, or to the satisfaction of the Village Administrator. The top filling of the backfill shall be of soil.

(d) That portion of any opening that is in the improved portion of a street shall be restored by filling said opening with compacted granular backfill or controlled density backfill properly compacted, but the improved portion shall be rebuilt to the street specifications of the type of street that has been opened, and at the recommendation of the Village Engineer, the restoration may extend from curb to curb within the impacted street, if such impacted street has been constructed or reconstructed with asphalt within the previous five (5) years or concrete within the previous ten (10) years.

(e) Whenever any tunneling, boring or drilling under a street right-of-way with an opening in excess of six inches is made, the opening shall be refilled

by blowing or compacting either compacted granular backfill or controlled density backfill around any pipe or conduit inserted in such opening.

902.99 PENALTY.

(a) A violation of this chapter shall be an unclassified misdemeanor punishable by a fine of up to \$1,000 for a first offense, and \$2,000 for a second and subsequent offenses.

(b) Each day when an offense has occurred or when the work has not been properly permitted may be cited as a separate offense.

(c) The imposition of a fine under this chapter shall not prevent the Village from proceeding with civil action against an offender for any damages done to the sidewalks or the roadways in the Village of Golf Manor.

SECTION II.

All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION III.

Chapter 901 of the Code of Ordinances which is in conflict with Chapter 902 is hereby revoked. All other ordinances or parts of ordinances inconsistent herewith also are superseded and revoked.

SECTION IV.

To preserve the integrity of public streets and sidewalks within the Village and to assure proper and safe compliance with the requirements of this Ordinance, this Ordinance is hereby declared to be an emergency measure necessary for the public health, safety and welfare, and shall take effect immediately upon passage.

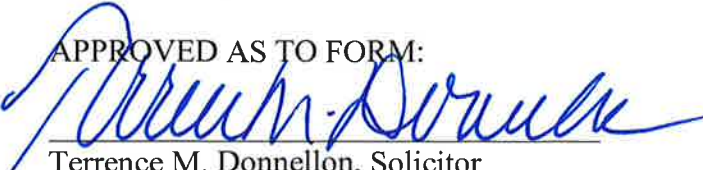
PASSED this _____ day of _____, 2020.

Mayor Stefan C. Densmore

ATTEST:

Anna Gedeon, Assistant Clerk

APPROVED AS TO FORM:



Terrence M. Donnellon, Solicitor